

SCIAF Family Statement on Mining & Extractives

“We are faced not with two separate crises, one environmental and the other social, but rather with one complex crisis which is both social and environmental. Strategies for a solution demand an integrated approach to combating poverty, restoring dignity to the excluded, and at the same time protecting nature.”

Pope Francis, Laudato Si’

It is essential that the world transitions to a renewable energy economy. However, as new renewable energy solutions are developed, we must pay careful attention to the impact of extracting minerals essential to this transition, such as copper, nickel, lithium and cobalt. This extraction is causing widespread human rights violations, social harm and environmental damage. Governments and mining companies are not doing enough to minimise these impacts. To avoid solving one crisis by perpetuating another, urgent action is needed to ensure our transition away from fossil fuels is just for everyone, in every country, at every level of the global economy.

Metals mining is one of the world's dirtiest industries, responsible for at least 10% of anthropogenic greenhouse gas emissions¹ and linked to water pollution and biodiversity loss. In addition to this, the social impacts of mining of transition minerals are extensive: the industry is rife with human rights violations, unsafe labour conditions, conflict, forced displacement of communities², gender-based violence and child labour.

Demand for transitional minerals is predicted to increase: The International Energy Agency predicts that the mineral demand for clean energy technologies will rise by at least four times by 2040³. With this demand for transition minerals, a rapid increase in the associated social and environmental harm will follow, unless we act now.

By listening to communities, adhering to human rights agreements and development goals, we can significantly enhance our dependence on clean energy globally while simultaneously reducing our dependence on dirty mining.

We come together, as a SCIAF family, across different countries, united in our common effort to care for Creation. We urge businesses and governments to:

1. Address the mining and extractives industry's illegal and hidden activities such as child labour, tax avoidance, tax evasion, intimidation of campaigners, modern-day slavery and forced displacement.

- National & local governments have a duty to their citizenry to develop new legislation which strengthen protections against the negative consequences of illegal practises by the mining and extractive industries.
- National & local governments must establish relocation committees to oversee obligations related to displacement and compensation, and ensure that mining companies respect the Right to Say No.
- National Governments need to engage constructively in negotiations for binding mechanisms on international levels to ensure robust protection for those affected by corporate abuse. This includes closing loopholes in international human rights laws to strengthen accountability and ensure justice for affected communities.
- National & local governments need to strengthen enforcement of existing laws on tax evasion.

¹ [NGO letter to the World Bank re Mining & Renewables - Earthworks](#)

² [Layout 1 \(foe.scot\)](#)

³ International Energy Agency, The Role of Critical Minerals in Clean Energy Transitions, 2022

- National Governments should engage constructively in development of mechanisms on international levels to combat Tax Havens. These havens divert resources away from the public and commons.
- National & local governments must increase their protection of human rights defenders and ask donors to support their efforts to provide this protection to activist and campaigners.
- Mining companies must take responsibility for any modern-day slavery upstream and downstream in their business chains.
- Mining companies that are found to breach human rights, commit tax avoidance and cause environmental damage must face legal and financial sanctions and be forced to improve their operations.

2. Address the mining and extractives industry's negative impact on the environment such as environmental damage, seepage, deforestation, and failure to restore environment in decommissioned mines.

- National & local governments have a duty to protect their own territories against environmental damage and deforestation, and ensure the best pollution prevention strategies are employed, for all and future generations.
- National & local governments must prioritise environmental considerations before issuing mining licences. They should refrain from permitting mining activities in areas where there are significant risks to resources, such as water. Governments must uphold transparency, be accountable to their people, and prioritise their needs and rights above all else.
- National & local governments must seek to close any loopholes and workarounds used by mining companies to avoid environmental oversight, accountability and transparency in their actions.
- National & local governments must seek to reduce climate emissions related to mining as climate breakdown exacerbates the negative consequences of mining, e.g. when fragile desert ecosystems are being damaged by climate related droughts and the excessive use of water by lithium mining companies.
- Mining companies must undertake rigorous inspections of their sites, report on any seepage, and be responsible for clean-up. The inspection, reporting and taking on responsibility must be overseen by independent bodies, local communities and national actors.
- Mining companies must initiate independent thorough Environmental Impact Assessments before operations begin and commit to rehabilitation exercises after extraction concludes. It should be mandatory that the assessments are made public to local authorities and the citizenry for scrutiny.
- Mining companies must complete a Free, Prior and Informed Consent (FPIC) process with special emphasis on informing affected community of possible environmental impact, and respect results of this process.

3. Address the mining and extractives industry's negative impact on individuals and communities such as Human Right violations, displacement, destitution, and SGBV.

- Mining companies must ensure that environmental impact assessments are accompanied by social assessments that ensure that mining projects consider and mitigate impacts on community well-being, cultural heritage, health and safety, social cohesion, human rights, and foster meaningful stakeholder engagement throughout the project lifecycle.
- National & local governments must strengthen enforcement of existing laws and embrace innovative legal interventions to secure the recognition of communities' rights and protection of individuals.

- National & local governments must not allow mining companies to operate in their territories without these companies signing up to and fully adhering to the UN Guiding Principles on Business and Human Rights. If companies have a record of violating these principles and rights (in any country), governments should not allow them to operate in their territory.
- National & local governments must ensure that their populations are made aware of the health hazards associated with working in mining, and what their rights are if harmed by participating in this industry.
- National & local governments must bring special awareness to the ways women are negatively affected by the various social and environmental impacts of the mining and extractive industries, and initiate programmes to alleviate psychological, social, economic, health and physical stress.
- National & local governments must enshrine procedures for relocation and compensation for displacement in law, and mandate that developers provide resettlement action plans (RAP).
- National & local governments must enshrine Free, Prior and Informed Consent (FPIC) principles in national and sub-national laws, policies and strategies. And must ensure that companies secure a ‘Social Licence to Operate’ in the initial prospection phase and again before initiating activities.
- Mining companies must introduce and implement practices that encourage community participation and empowerment, allowing them to claim their rights. Companies should be obligated to engage with relevant and stakeholders affected by their operations as part of their due diligence obligations responsibilities.
- Mining companies must be made responsible to demonstrate that they took the right measures to avoid harm such as SGBV, while victims/survivors should no longer be expected to carry the burden of evidence in disputes.

4. Address the underlying causes underpinning the negative impacts of mining and extractives, such as corruption, mismanagement of resources, limited access to knowledge, and high levels of poverty.

- National & local governments must take charge of the mining industry and develop the adequate financial and technical capacity, expertise and infrastructure to bring mining into national (ideally public) ownership, rather than letting foreign companies dominate the sector.
- National & local governments must explore how corruption, intimidation, mismanagement, and insufficient institutional capacity have contributed to the dysfunctional oversight of the extractives sector and find solutions to these challenges.
- National & local governments must ensure that the benefits from billions of dollars in investments in the extractive sector materialise for citizens in the form of increased realisation of rights and lowering of poverty levels.
- National & local governments must facilitate effective collaboration among key stakeholders in the industry such as: impacted communities, state services, government, mining cooperatives, and artisanal miners to ensure correct oversight, sharing of knowledge and education of the public on laws, regulations, rights and health issues related to the industry.
- National governments must terminate investment treaties with Investor–State Dispute Settlement (ISDS) provisions or withdraw consent to arbitrate. When negotiating private contracts, states must move away from ISDS provisions in mining concession agreements.
- National & local governments must ring-fence mining revenue for investments in priority sectors, including health, and must use these revenues address the needs of communities that directly bear environmental and social costs of mining.
- National & local governments must ensure that Corporate Social Responsibility (CSR) commitments from the mining companies are linked to the government’s broad

development agenda and more specifically, its social development goals (including poverty reduction).